

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL ANTHONY DOUGLAS BORASH,

CASE NO. C21-1633-JCC

Plaintiff,

ORDER

v.

YAKIMA COMPETENCY RESTORATION
CENTER and RON GANGLER,

Defendants.

This matter comes before the Court *sua sponte*. On December 8, 2021, the Honorable S. Kate Vaughan, United States Magistrate Judge, granted Plaintiff's motion to proceed *in forma pauperis* and recommended the Court review the complaint under 28 U.S.C. § 1915(e)(2)(B) before issuing a summons. (Dkt. No. 3 at 1.)

The Court understands Plaintiff's complaint to allege that, while undergoing treatment at the Yakima Competency Restoration Center, Plaintiff was subjected to cruel and unusual punishment by Ron Gangler. (*See generally* Dkt. No. 4.) Liberally construed, this may be grounds for a cause of action under 42 U.S.C. § 1983. *See Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). But based on the Court's reading of the complaint, it would appear that none of the defendants reside within this judicial district and that a substantial part of the events giving

1 rise to Plaintiff's claims occurred within the Eastern District of Washington. Therefore, venue
2 for this case is not proper in this Court. *See* 28 U.S.C. § 1391.

3 Pursuant to 28 U.S.C. § 1406(a), the Court DISMISSES this case without prejudice.
4 Plaintiff is free to refile this case in an appropriate venue, such as the United States District Court
5 for the Eastern District of Washington.

6 DATED this 9th day of December 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE